



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Guidance on Continuity of MassDEP Waste Site Cleanup Operations and MCP Compliance during COVID-19 State of Emergency April 7, 2020

This fact sheet provides information on the status of MassDEP's Bureau of Waste Site Cleanup (BWSC) operations and expectations related to Massachusetts Contingency Plan (MCP, 310 CMR 40.0000) requirements and site work during the COVID-19 State of Emergency in the Commonwealth declared by Governor Baker on March 10, 2020. This guidance will be updated as needed.

Status of BWSC operations

BWSC is maintaining field deployment of emergency response staff. Non-emergency BWSC staff are teleworking and responding to email and voice mail.

Release Notifications

MassDEP expects persons required to notify to continue to make all 2-hour, 72-hour and 120-day release notifications during the State of Emergency. Release Tracking Numbers will continue to be assigned by BWSC.

Immediate Response Actions (IRAs)

Emergency Response staff continue to respond to verbal notifications and issue oral approvals for Immediate Response Actions (IRAs). This is the opportunity for the persons conducting response actions, the LSP and MassDEP staff to discuss the IRA and any concerns about how potential COVID-19 exposure to response staff or other individuals (e.g., building occupants) may affect the nature and/or timing of necessary activities.

BWSC continues to review written IRA Plans. If BWSC elects to not issue a written IRA Plan approval, conditional approval or denial within 21 days while the State of Emergency is in effect, the IRA Plan as submitted is approved. MassDEP recommends sending an email informing the regional Emergency Response Section Chief or staff lead for the IRA that the IRA Plan has been submitted.

Other MCP Response Action Deadlines

MassDEP's electronic document submittal service, eDEP, remains available for making response action submittals. Persons conducting response actions should, *to the extent practical*, continue to make response action submittals not otherwise addressed in this Guidance ("Routine Submittals"). MassDEP understands meeting some response action deadlines for Routine Submittals will be affected by postponed field work or reduced staffing, among other interruptions. In such cases, parties should notify MassDEP of the compliance delay in writing and include the deadline(s) that will be missed, and any measures, if applicable, taken to secure the disposal site during

**This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.
TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep**

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the period of work stoppage. For efficiency, the written notice of delay should be submitted to MassDEP through eDEP using transmittal form BWSC121: Notification of Delay¹.

MassDEP BWSC intends to exercise enforcement discretion for failure to meet deadlines for Routine Submittals during this State of Emergency.

Active Remedial Systems

Active Remedial Systems with air or surface water discharges should continue to be monitored in compliance with permit and/or regulatory requirements, to the extent circumstances allow. If circumstances do not allow for sufficient monitoring to ensure that discharges do not result in adverse impacts, consideration should be given to suspending these operations unless such termination itself would result in an Imminent Hazard.

Active Exposure Pathway Mitigation Measures (AEPMMs)

MassDEP expects all AEPMMs addressing vapor intrusion into buildings or a private drinking water supplies to continue to be operated during this period. AEPMMs addressing Imminent Hazard conditions should continue to be monitored for effectiveness, with consideration to minimizing potential COVID-19 exposure to response staff or building occupants. In the absence of a potential Imminent Hazard condition, monitoring that entails home or business entry should be suspended for the duration of the State of Emergency.

Securing disposal sites where remedial actions and/or construction activities were underway

Stockpiles of Remediation Waste should be stored on and securely covered with reinforced poly sheeting that is weighted down (e.g., with cinder blocks or sandbags) around the perimeter and across the stockpile. Consideration should be given to flattening the stockpiles to the extent practical before covering and fencing if in residential neighborhoods. Dust monitoring may be suspended during the shutdown period provided no there are no large areas of exposed contaminated soil and all Remediation Waste stockpiles are covered and secured. Excavations should be backfilled as soon as practicable or covered with steel plates and fenced.

Questions

MassDEP has been asked who is covered under Governor Baker's "COVID-19 Essential Services" March 23, 2020 Emergency Order². Essential service providers include workers who support hazardous materials response and cleanup. This includes MassDEP staff, Licensed Site Professionals (LSPs) and others.

This guidance is written to address common situations related to MCP response actions during the State of Emergency. If you believe that you have case-specific circumstances that are not clearly addressed above, MassDEP recommends you contact the appropriate Regional Office to discuss them.

General questions may be submitted to BWSC.Information@mass.gov and BWSC.Regulations@mass.gov .

¹ BWSC121: Notification of Delay

<https://www.mass.gov/guides/site-cleanup-transmittal-forms#-bwsc121:-notification-of-delay->

For actions that are related to the deadlines in 310 CMR 40.0560(2), section B. 1. of the form may be used. Notices related to all actions may be submitted by checking the Force Majeure box in section B. 2. of the form, which provides a means for transmitting this information to the Department.

² <https://www.mass.gov/info-details/covid-19-essential-services>, Updated March 31, 2020.